

Applicant : David Bill
Serial No. : 09/105,840
Filed : June 26, 1998
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Attorney's Docket No.: 06975-248001 / Multimedia 25

Amendments to the Drawings:

The attached replacement sheets of drawings includes changes to Figs. 1 and 2 and replaces the original sheet including Figs. 1 and 2.

In Fig. 2, reference labels for each block as described in the specification have been added.

Attachments following last page of this Amendment:

Replacement Sheet (2 pages)

REMARKS

Claims 1-3, 6-9, 12-15, 18-19, 27, 29, 34, 36-49, 54-67, and 72-98 are pending in this application, with claims 1, 27, 29, 36, 54, 72, 79, 86, and 93-98 being independent. Claims 1, 12, 13, 18, 19, 27, 36, 43, 44, 47, 48, 54-56, 58-67, 72, 79, and 86-92 have been amended. Claims 4-5, 10, 11, 16, 17, 20-26, 28, 30-33, 35, 50-53, and 68-71 have been cancelled. Applicant acknowledges, with appreciation, the Examiner's indication that claims 27, 29, and 72-85 are allowable and that claims 21-23, 31-33, and 51-53 would be allowable if written in independent form including all limitations of the base claim and any intervening claims. New claims 93-98 have been added in response to the indication of allowable subject matter.

Interview Summary

Applicant thanks Examiner Phan for the personal interview with applicant's representative, Hussein Akhavannik, conducted on November 30, 2007. During the interview, applicant's representative and Examiner Phan discussed amendments to allowable claim 72 to remove "in response to said comparing" and amendments to claim 86 to overcome the 35 U.S.C. § 101 rejection. In response to the Interview Summary (see attached copy of Form PTOL-413), the applicant has amended claims 54-67 (claims 68-71 are now cancelled) and 86-92 to overcome the 35 U.S.C. § 101 rejection. In addition, although all changes to claim language change the scope of a claim, to clarify, the applicant's representation and Examiner Phan agreed that the amendments to allowable claim 72 to remove "in response to said comparing" would not result in claim 72 being unpatentable under the cited art, namely Barrett (U.S. Patent no. 6,005,597) and Kindo (U.S. Patent No. 6,363,383).

Drawings

The drawings have been objected to because they fail to show the reference labels for each block as described in the specification. See Office Action of August 31, 2007 at pages 2-3. Replacement sheets of drawings for Figs. 1 and 2 including reference labels for each block as

described in the specification are included in this Amendment. Accordingly, applicant respectfully requests reconsideration and withdrawal of the drawings objection.

Claim Objections

Claims 32 and 35 have been objected to because they are method claims which depend on system claims. See Office Action of August 31, 2007 at page 3. Claims 32 and 35 have been cancelled and, thus, the applicant respectfully requests reconsideration and withdrawal of the claim objections.

Claim Rejections Under 35 U.S.C. § 101

Claims 54-71 and 86-92 have been rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. In particular, the final Office Action suggests that claims 54-71 and 86-92 recite a computer program product that must be claimed in combination with an appropriate computer-readable medium so that the program is capable of producing a useful, concrete, and tangible result when used in a computer system. See Office Action of August 31, 2007 at page 4. Independent claims 54 and 86 have been amended to recite a computer program stored on a tangible computer-readable medium. Accordingly, applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 101 rejection of independent claims 54 and 86, and their dependent claims 55-67 and 87-92.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 54-71 and 86-92 have been rejected under 35 U.S.C. § 112(1) for not being supported by either a specific asserted utility or a well established utility and, therefore, not allowing one skilled in the art to know how to use the invention. See Office Action of August 31, 2007 at page 5. Independent claims 54 and 86 have been amended to recite a computer program stored on a tangible computer-readable medium. Accordingly, applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 112(1) rejection of independent claims 54 and 86, and their dependent claims 55-67 and 87-92.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-3, 6-9, 12-15, 18-26, 28, 30-53, and 72-85 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Barrett (U.S. Patent no. 6,005,597) in view of Kindo (U.S. Patent No. 6,363,383).

Independent claim 1 has been amended to include subject matter from now canceled claim 22 that was indicated to be allowable. Independent claim 54 has been amended to include subject matter from now canceled claim 52 that was indicated to be allowable. Independent claim 54 has been amended to include subject matter from now canceled claim 70 that corresponds to the subject matter of now cancelled claims 22 and 52, which were indicated to be allowable. Independent claim 24 has been cancelled.

Furthermore, each of claims 2-3, 6-9, 12-15, 18-19, 34, 37-49, and 55-67 now depend directly or indirectly from an independent claim containing subject matter that was indicated to be allowable. Accordingly, applicant respectfully requests that these rejections be withdrawn.

New Claims

New independent claim 93 recites subject matter from now canceled claim 21 that was indicated to be allowable. New independent claim 94 recites subject matter from now canceled claim 23 that was indicated to be allowable. New independent claim 95 recites subject matter from now canceled claim 51 that was indicated to be allowable. New independent claim 96 recites subject matter from now canceled claim 53 that was indicated to be allowable. New independent claim 97 recites subject matter from now canceled claim 69, which corresponds to the subject matter of now cancelled claims 21 and 51, which were indicated to be allowable. New independent claim 98 recites subject matter from now canceled claim 71, which corresponds to the subject matter of now cancelled claims 23 and 53, which were indicated to be allowable. Accordingly, applicant submits that new independent claims 93-98 are allowable over the references of record.

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Conclusion

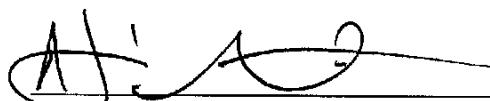
Applicant submits that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The \$1050 excess claim fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account 06-1050.

Respectfully submitted,

Date: November 30, 2007



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